

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

July 24, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, July 25, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

July 25, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Reverend Lisle Davis
Pledge of Allegiance

RECOGNITIONS

EMPLOYEE RECOGNITIONS

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of July 18, 2006, Special City Council Meeting of July 17 (Agenda Review), and Special City Council Meeting (Budget Hearing) of July 7, 2006.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the Director of Aviation be authorized to sign and submit a grant application to the Federal Aviation Administration (FAA), and be designated the official representative of the City to act in connection with the application for the Airport Improvement Program (AIP), Project No. 3-48-0077-23-2006; that upon approval and issuance of the grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office; that the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant; and that the total grant amount shall include the federal share of \$9,971,866.00 and the local share of \$13,365,069.00, and will be utilized for the following projects:

- Reconstruction of Runway 8R-26L and Taxiway "E" – requires the removing of existing asphalt pavement and replacing with either full strength asphalt pavement or Portland cement concrete pavement for both the runway (9,025 LF) and taxiway (1,460 LF).
- Environmental Assessment for the Extension of Runway 8R-26L – is required for the programmed extension of Runway 8R-26L extension by 1,100 feet to the east.

(District 3) [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the City Manager is hereby authorized to sign a Temporary Right of Entry allowing Chevron Pipe Line Company access to the property owned by the City of El Paso known as the El Paso International Airport in order to conduct surveys on said property, subject to the requirements and limitations of said Temporary Right of Entry. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3C. That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Lot 26, Pioneer Subdivision, El Paso, El Paso County, Texas to provide electrical service to the new proposed fire station #34, which will be located at 6565 Angora Loop South. **(District 4)** [Engineering Department, Rick Conner, (915) 541-4423]

4. REINSTATEMENT(S): Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

4A. Guerrero, Jr., Alfonso P. – Buyer
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4315]

4B. Radell, Larry – Automotive Technician II
[General Services, Jeff Belles, (915) 621-6819]

5. BOARD APPOINTMENTS:

5A. Samuel J. Barela to the Zoning Board of Adjustment by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5B. Keith H. Pannell to the Brownfields Redevelopment Board by Representative Presi Ortega, Jr. [Representative Presi Ortega, Jr., (915) 541-4189]

6. RESIDENTIAL STREET LIGHT(S): Approve installation, power, and maintenance of residential street light(s) at the following location(s):

6A. Between 2113 and 2117 Sea Gull Drive (Special Projects Account 504420, Dept. ID 01153007, Fund 16505, Project PD50426) at a cost of \$1,200. [Representative Presi Ortega, Jr., (915) 541-4189]

6B. Between 11108 & 1112 Seaview (Special Projects Account 504420, Dept. ID 01153007, Fund 16505, Project PD50426) at a cost of \$1,200. [Representative Presi Ortega, Jr., (915) 541-4189]

7. AIRPORT/ENGINEERING:

Items:

Amount of Award: \$900,000.00 (total for two years extension)
 Account No's: 53153056-508039-27505-P54001lib
 Funding Source: Library Capital Outlay-Library Books
 Department: El Paso Public Library

[Financial Services, Jesus M. Juarez, (915) 541-4317]

- 8B.** Request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years from August 11, 2007, to August 10, 2009, pursuant to the provisions of Contract 2004-213 with Mexico Magazine Distribution, El Paso, Texas, for Fotonovelas, Revistas, and Spanish Language Magazines. **(All Districts)**

Option No.: ONE [OF ONE]
 Amount of Award: \$100,000.00 (total for two years extension)
 Account No's: 53153056-508039-27505-P54001LIB
 Funding Source: Library Capital Outlay-Library Books
 Department: El Paso Public Library

[Financial Services, Jesus M. Juarez, (915) 541-4317]

- 8C.** Request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from August 11, 2007 to August 10, 2008 pursuant to the provisions of Contract 2004-223 with Main Auto Parts, El Paso Texas for Universal Joints & Related Parts. **(All Districts)**

Option No.: ONE [OF ONE]
 Amount of Award: \$15,000.00 (total for one year extension)
 Account No's: 37370510-503121-45202
 Funding Source: General Services-Fleet Division Internal Service Fund
 Department: General Services-Fleet Division

[Financial Services, Jesus M. Juarez, (915) 541-4317]

9. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

9A. BT2006-1021 POLICE

The Department is requesting an increase in the Donated account. These funds are used to support various projects such as; DARE, Safety Town, McGruff, and other community functions. The American Heart Association has donated funding for the purchase of AED's. This will create the proper budget account to facilitate the purchase.

Increase	\$35,000	to	Donations
Increase	\$35,000	to	Promotional Supplies & Clinical/Medical Supplies

9B. BT2006-1022 POLICE

To increase appropriation in the garage keeper lien account due to a higher number of auctions being held.

Increase	\$140,000	to	Miscellaneous Non-Operating Revenue
Increase	\$140,000	to	Garage Keeper Lien

9C. BT2006-1086 AIRPORT

Transfer of funds to cover the cost of constructing Terminal Drive related improvements.

Increase	\$245,660	to	Fund Balance Transfer
Increase	\$245,660	to	Capital Outlay

REGULAR AGENDA

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 10A.** An Ordinance amending Ordinance No. 15703, an Ordinance creating the Brownfields Redevelopment Board, to amend paragraph number one: membership and terms, to allow for the appointment of alternate members to the Board, to redefine the staggered terms, to modify the start dates of such terms; and, paragraph number three: administration, to reassign the administrative staff support to the Environmental Services Department of the City of El Paso. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

- 10B.** An Ordinance Repealing Ordinance No. 014680, for the purpose of abolishing the Ad Hoc Waste Tire Disposal Advisory Committee. **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719]

PUBLIC HEARING WILL BE HELD ON AUGUST 8, 2006, FOR ITEMS A - B

- 10C.** An Ordinance changing the zoning of Tract 58, SA & MG Railroad Company Survey No. 267, El Paso County, Texas, from A-O (Apartment-Office) to S-D (Special Development) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 122 Thorn Avenue. Applicant: Seggy Corporation. ZON06-00058 **(District 1)** [Development Services/Planning, Linda Castle, (915) 541-4029]

- 10D.** An Ordinance granting Special Permit No. ZON06-00026 to allow for a ground-mounted cellular telecommunications facility on the property described as a portion of Lot 16, Block 140, Eastwood Heights Unit F, El Paso County, Texas, pursuant to section 20.12.040 of the El Paso City Code and imposing conditions. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 10104 Album Ave. Applicant: Cricket Communications. ZON06-00026 **(District 5)** [Development Services/Planning, Christina Valles, (915) 541-4930]
POSTPONED FROM 6-20-06, 06-27-06, and 07/05/06

PUBLIC HEARING WILL BE HELD ON AUGUST 15, 2006, FOR ITEMS C - D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

11. MAYOR AND COUNCIL:

Discussion and action, to direct the City Manager to report responsively to a proper request for financial disclosure of accounting matters related to the citizens and affairs of District 4 of the City of El Paso, consistent with duties set forth for the City Manager in Section 5.2 of the Charter as approved by the voters. [Representative Melina Castro, (915) 541-4400] POSTPONED FROM 07-18-06

12. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2006-967 OMB

To establish appropriations for Office of Economic Adjustment (OEA) funded annexation plan (\$855,000), housing study (\$75,000), and subdivision rewrite (\$150,000) requested through Development & Infrastructure Services.

Increase	\$ 17,500	to	Intrafund Transfer
Increase	\$1,062,500	to	Federal Grant Income
Increase	\$1,080,000	to	Management Consulting Services
Decrease	\$ 17,500	from	Outside Contracts NOC

13. DEVELOPMENT SERVICES:

Discussion and action on the status of the fundraising efforts for the proposed CicloVia pilot program to be city-sponsored and held during the month of September 2006; and authorizing the City Manager to take all necessary actions to implement the pilot program, to authorize non-profit organizations to participate in the fundraising efforts, and to use the City's name in connection with the solicitation of funds, and to enter into the appropriate agreements. **(All Districts)**

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

14. ENGINEERING:

Discussion and action on the award of Davis Drive Street & Drainage Improvements (Solicitation No. 2006-132) to Karlsruher, Inc. dba CSA Engineers & Constructors for an estimated total amount of \$679,932.07. The Engineering and Street Departments request this project's approval. The funding source will be a Community Development Block Grant.

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

It is requested that the City Manager of the City of El Paso be authorized to execute a contract and any other necessary documents relating to this Solicitation, which are necessary to carry out the intent of this award.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low-bid project, not a best-value contract.

District(s): 7

[Engineering Department, Rick Conner, (915) 541-4423]

15. FINANCIAL SERVICES:

15A. That the City Manager be authorized to sign a master equipment lease agreement with Banc of America Leasing & Capital, LLC in a principal amount not to exceed \$10,000,000 to finance the purchase of transit buses for the Department of Mass Transit. [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

15B. BIDS:

15B1.	Solicitation No. 2006-106	Containers, Refuse, Automated Handling System
	Award to:	Toter Incorporated Statesville, NC
	Item(s):	#1: One Time Purchase Component
	Amount:	\$7,022,400.00 (160,000 @ \$43.89/each)
	Item(s):	#2: (2A-2E): Requirements Component
	Amount:	\$1,274,100.00 (30,000 @ \$42.47/each) estimated annually
	Department:	Environmental Services
	Funds available:	508009-34340200-40415
	Funding source:	SWM Capital Equipment FY04
	Total award:	\$8,296,500.00 estimated
	District (s):	All

The Environmental Services and Financial Services Departments recommend award to the lowest responsive, responsible bidder.

This is a Hybrid-Type contract, consisting of Item No. 1, a fixed-price, single (one-time) purchase to purchase one hundred sixty thousand (160,000) containers; and Item No. 2, a requirements type component to purchase containers as needed for a term of one (1) year. Vendor did not offer the City an option to extend the term of the requirements component

of the Contract. A 1%/20 days and a 2%/10 days prompt payment discount is offered.

[Financial Services, Barbara Crumley, (915) 541-4315]

15B2.	Solicitation No. 2006-151	Golf and Turf, Equipment and Implements
	Award to:	Austin Turf & Tractor
		Marble Falls, TX
	Item(s):	1 and 2 (All Options)
	Amount:	\$900,000.00 (not to exceed)
	Department:	Department of Aviation
	Funds available:	62620026 – 508027 – 41063 - PAP0023
	Funding source:	Airport Resort Project
	Total award:	\$900,000.00 (not to exceed)
	District (s):	3

The Department of Aviation and the Financial Services Department, Purchasing Division, recommend award to the lowest responsive, responsible bidder.

The contract will be for twelve (12) months or not to exceed amount of \$900,000.00, whichever comes first, for the Department of Aviation.

[Financial Services, Enrique Acosta, Jr., (915) 541-4267]

16. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

16A. An Ordinance changing the zoning of Tracts 12B, 12C, and 12D, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Ada Lane and West of Valley Road. Applicant: Enrique Escobar and Sal Masoud. ZON06-00059 **(District 1)**

[Development Services/Planning, Melissa Granado, (915) 541-4730]

16B. An Ordinance changing the zoning of a portion of Section 3, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to Q (Quarry). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Martin Luther King Blvd, South of the Texas – New Mexico Stateline, and East of the Franklin Mountains State Park. Applicant: El Paso Water Utilities – Public Service Board. ZON06-00043 **(District 4) THIS IS AN APPEAL CASE.**

[Development Services/Planning, Fred Lopez, (915) 541-4925]

17. PUBLIC HEARINGS – PARKS AND RECREATION:

An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and the County of El Paso, Texas, for the lease of the Friendly Senior Citizens Center, located at 2215 Murchison Street, El Paso, Texas for a term of one (1) year, with automatic renewal not to extend beyond thirty years. **(District 2)**

[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

18. PUBLIC HEARINGS – POLICE DEPARTMENT:

- 18A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) of the El Paso City Code to amend the provisions relating to taxicab loading and unloading zones; authorize Traffic Engineer to establish city taxicab zones; the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso City Code and repeal of Ordinance numbers 009701, 009702, 009782, 009783, 009974, 015179, and 015747. **(Districts 3 and 8)**
[Police Department, Paul Cross, (915) 564-7310]
- 18B.** An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.16 (Taxicabs) of the El Paso City Code to amend the provisions relating to permit fees; taxicab stands, and city taxicab zones; the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso City Code. **(Districts 3 and 8)**
[Police Department, Paul Cross, (915) 564-7310]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** In re: Delta Airlines, Inc., et al., Chapter 11 Bankruptcy Proceeding. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX2.** In re: D J Contractors, Inc. (Liquidity Solutions, Inc./Far West Receivership), Bankruptcy Proceeding. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX3.** In re: Northwest Airlines Corp., et al., Chapter 11 Bankruptcy Proceeding. (551.071)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX4.** Dr. Jorge Magaña, Our File No. 06-C-107. (551.071) and (551.074)
[City Attorney's Office, Laura P. Gordon, (915) 541-4550]
- EX5.** Jesus Luna vs. Gabriel Peralta, et. al.; Cause No. EP-04-CA-0455-HLH. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>